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sions and representations made in the course of their employment and relating to the immediate transactions in which they are engaged, are always competent against the corporation.

3. APPEAL AND ERROR—*Commissioner's report—Conflicting evidence.* Where the evidence is conflicting, the findings of a commissioner in chancery which have been approved by the trial judge, will not be disturbed by this court.

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FIDELITY & DEPOSIT COMPANY v. BEALE JUDGE.—Decided at Richmond, January 14, 1904.—*Keith, P.* Absent, *Buchanan, J.*

1. PROHIBITION—*Office of.* The office of the writ of prohibition is not to correct error, but to prevent an excess of jurisdiction by the court or judge to whom it is directed. If the court or judge has jurisdiction to enter any decree at all in the proceeding sought to be prohibited the writ does not lie.

2. COUNTY OFFICERS—*Proceedings against deputies—Jurisdiction of county court—Indemnity bonds.* Under the provisions of sections 910 and 912 of the Code allowing sheriffs, sergeants and other officers to proceed in the county courts by motion, after notice, against their deputies and their sureties for any default or misconduct in the office of such deputies for which their principals are liable, and to recover the full amount for which such principals are liable by reason of such default or misconduct, a county treasurer, who has taken from his deputy a bond with surety conditioned to indemnify the treasurer from acts of larceny and embezzlement on the part of the deputy, may proceed by motion in the county court against such deputy and his surety for a judgment for taxes for which the deputy has failed to account, although the amount involved exceeds one hundred dollars, and the liability of the deputy and his surety be not coextensive.